

18. These results demonstrate that the pI values of the creatine amidinohydrolases disclosed in U.S. Patent 6,080,553 are about 4.5, and also that the pI values of creatine amindinohydrolases from different strains are about 4.5. Thus, one of ordinary skill in the art would have understood that the pI value characterizing the group of novel creatine amidinohydrolases disclosed in U.S. Patent 6,080,553 is about 4.5 and that the named inventors of U.S. Patent 6,080,553 had possession of such a group of novel creatine amidinohydrolases.

19. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: January, 29, 2004

Atsushi Sogabe
Atsushi Sogabe

**COMBINED DECLARATION
FOR UTILITY OR DESIGN PATENT APPLICATION
AND POWER OF ATTORNEY**

- ☒ Declaration Submitted with Initial Filing OR
☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CREATINE AMIDINOHYDROLASE, PRODUCTION THEREOF AND USE THEREOF

the specification of which:

- ☒ is attached hereto.
☐ was filed on _____, as Application No. _____ and was amended on _____.
☐ was filed by Express Mail No. _____ as Application No. *not known yet*, and was amended on _____ (*if applicable*).
☐ was filed on _____ as PCT International Application No. PCT/_____ and was amended on _____ (*if any*).

I state that I have reviewed and understand the contents of the specification identified above, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I claim foreign priority benefits under 35 USC 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application(s) designating at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application(s) for patent, utility model, design registration, inventor's or plant breeder's rights certificate(s), or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter and having a filing date before that of the application(s) from which the benefit of priority is claimed.

PRIOR FOREIGN APPLICATION NUMBER(S)	COUNTRY	FOREIGN FILING DATE (MM/DD/YYYY)	PRIORITY CLAIMED		CERTIFIED COPY ATTACHED	
			YES	NO	YES	NO
25435/1996	Japan	02/13/1996	X			X

In re Appln. of Sogabe et al.
Application No. Unassigned

As a named inventor, I hereby appoint Leydig, Voit & Mayer, Ltd. to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Customer Number 23460.

23460

I further direct that correspondence concerning this application be directed to Leydig, Voit & Mayer, Ltd.: Customer Number 23460.

23460

I previously executed a Combined Declaration and Power of Attorney (submitted on August 28, 2001), a corrected Combined Declaration and Power of Attorney (submitted on August 12, 2002), and a Supplemental Combined Declaration and Power of Attorney (submitted on February 4, 2004), with respect to the reissue of the original patent by way of Application No. 09/940,941, which, along with the present reissue application are divisional reissue applications of the same original patent. I hereby reaffirm the statements made in the previously executed Combined Declaration and Power of Attorney, corrected Combined Declaration and Power of Attorney, and Supplemental Combined Declaration and Power of Attorney.

In the previously executed Combined Declaration and Power of Attorney, corrected Combined Declaration and Power of Attorney, and Supplemental Combined Declaration and Power of Attorney I stated that I believed the original patent, U.S. Patent No. 6,080,553, to be partially inoperative by reason of claiming less than the applicants had a right to claim. I continue to have such a belief for the reasons stated in the previously executed Combined Declaration and Power of Attorney and corrected Combined Declaration and Power of Attorney, as well as for the reasons stated in this Supplemental Combined Declaration and Power of Attorney.

The original patent describes and claims a creatine amidinohydrolase, reagent, method of production thereof, and method of use thereof. The creatine amidinohydrolase is defined by physicochemical properties, such as action, optimum temperature, optimum pH, Km value, molecular weight, and isoelectric point. The isoelectric point (pI) for the creatine amidinohydrolase is recited in the specification and claims of the original patent as 3.5 but in fact was and is 4.5. This error and any other errors (i.e., all errors) were made without any deceptive intent on the part of the applicants and were discovered only relatively recently, during a review of the patent claims after the issuance of the original patent. To rectify this and other errors (such as the failure to claim a method of preparing a creatine amidinohydrolase as recited in the new claims added by way of the present reissue application), the specification and claims of the original patent have been amended by way of specification, claim, and abstract changes filed herewith in the present reissue application as well as in Application No. 09/940,941, each of which is a divisional reissue of the original patent. Every error in the original patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this reissue application, arose without any deceptive intention on the part of the applicants.

I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: ATSUSHI SOGABE

Inventor's signature Atsushi Sogabe

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In re Appln. of Sogabe et al.
Application No. Unassigned

Full name of second joint inventor, if any: TAKASHI HATTORI

Inventor's signature Takashi Hattori

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Full name of fourth joint inventor, if any: YOSHIHISA KAWAMURA

Inventor's signature Yoshihisa Kawamura

Date March, 12, 2004 Country of Citizenship: Japan

Residence: Tsuruga-shi, Fukui, Japan
(city/state or country)

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Declaration (Revised 7/18/2003)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sogabe et al.

Application No. Unassigned

Filed: Herewith As Divisional of U.S. Reissue Application 09/940,941

Reissue of U.S. Patent No. 6,080,553

Issued: June 27, 2000

Assigned to Toyo Boseki Kabushiki Kaisha

For: CREATINE AMIDINOHYDROLASE,
PRODUCTION THEREOF AND USE
THEREOF

ASSENT OF ASSIGNEE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

TOYO BOSEKI KABUSHIKI KAISHA, the assignee of the entire right, title, and interest in the above-referenced United States patent, hereby consents to the reissue thereof, application for which is being filed herewith. Title is vested in the name of Toyo Boseki Kabushiki Kaisha, a Japanese corporation, by virtue of the assignment recorded on April 24, 1997, at Reel 8493, Frame 0673.

TOYO BOSEKI KABUSHIKI KAISHA

Date: March 5, 2004



Koichi Yamagata
Senior Managing Director

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sogabè et al.

- ☒ Reissue of U.S. Patent No. 6,080,553
- ☒ Filed: Herewith As Divisional of U.S. Reissue Application 09/940,941

For: **CREATINE AMIDINOHYDROLASE,
PRODUCTION THEREOF AND USE
THEREOF**

POWER OF ATTORNEY FOR REISSUE APPLICATION

The assignee of this reissue application, TOYO BOSEKI KABUSHIKI KAISHA, hereby appoints Leydig, Voit & Mayer, Ltd. to prosecute this reissue application and transact all business in the U.S. Patent and Trademark Office connected therewith: Customer Number: 23460.

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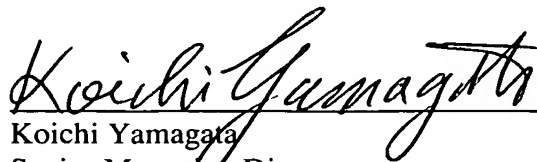
Correspondence concerning this reissue application should be directed to Leydig, Voit & Mayer, Ltd.:
Customer Number 23460.

23460

The assignee authorizes the above-named attorneys to accept and follow instructions from representatives of the assignee.

TOYO BOSEKI KABUSHIKI KAISHA

Date: March 5, 2004



Koichi Yamagata
Senior Managing Director